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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 UNITED STATES OF AMERICA,) No. CR 11-0146 SBA
18 Plaintiff,)
19 v.)
20 JUDY RAE JARVIS,)
21 Defendant.)
22 _____)

23 **STIPULATION AND [PROPOSED]
24 ORDER TO CONTINUE STATUS
25 CONFERENCE AND TO EXCLUDE
26 TIME FROM SEPTEMBER 15, 2010 TO
27 OCTOBER 17, 2010**

28 On July 26, 2011, the parties appeared before the Honorable Saundra Brown Armstrong for a status conference. At the hearing, the case was continued until September 27, 2011, in order to allow adequate time for the defense to provide and for the government to review and evaluate certain information relevant to the case. On September 14, the Court rescheduled the September 27 hearing to September 30, 2011. However, government counsel will be out of town on that date and unavailable to attend the hearing. In light of that and the parties' schedules, with the agreement of counsel for both parties and the defendant, the parties now stipulate and ask the Court to find and hold as follows:

29 1. The status conference set for September 30, 2011 shall be rescheduled to October 17,

30 ORDER CONTINUING HR'G AND EXCLUDING TIME
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2011 at 10:00 a.m.

2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from September 15, 2011 to October 17, 2011. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for defense counsel to continue to investigate certain defenses in the case, and would deny the government continuity of counsel.

3. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 15, 2011 to October 17, 2011, outweigh the best interest of the public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C. § 3161(h)(7)(A).

4. Accordingly, and with the consent of the defendant, the Court orders that the period from September 15, 2011 to October 17, 2011, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: September 15, 2011

/S/
DEBORAH G. LEVINE
Counsel for Judy Rae Jarvis

DATED: September 15, 2011

/s/
BRIAN C. LEWIS
Assistant United States Attorney

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1 ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS:

4 The ends of justice served by the granting of a continuance from September 16, 2011
5 until October 17, 2011, outweigh the best interests of the public and the defendant in a speedy
6 and public trial because additional investigation and review are necessary to the defense
7 preparation of the case and effective preparation of counsel, taking into account the exercise of
8 due diligence.

9 Based on these findings, IT IS HEREBY ORDERED that time be excluded under the
10 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) from September 16, 2011 until
11 October 17, 2011.

12 IT IS FURTHER ORDERED that the STATUS HEARING date of September 15, 2011
13 is CONTINUED to October 17, 2011 at 10:00 a.m.

14
15
16 IT IS SO ORDERED.

17
18 DATED: 9-16-11

Saundra B. Armstrong
19 SAUNDRA BROWN ARMSTRONG
United States District Judge